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Resolution adopted by the Human Rights Council on 28 September 2018

39/21. Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Emphasizing Security Council resolution 2216 (2015) of 14 April 2015,

Reiterating its strong support for the efforts of the Secretary-General and the Special Envoy of the Secretary-General for Yemen to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

Welcoming the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the fulfilment of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

Taking note with appreciation of Presidential Decree No. 50 of 23 August 2017, in which the mandate of the National Commission of Inquiry was extended for a period of two years, with a view to investigating all human rights violations since 2011,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of social and economic rights, and that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

Noting the work carried out by the Joint Incidents Assessment Team,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen and the findings of the Group of Eminent International and Regional Experts[1] established by the Human Rights Council in its resolution 36/31;

2. *Takes note with interest* of the statement and comments by the Government of Yemen on the report of the High Commissioner;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the High Commissioner and other relevant United Nations bodies and mechanisms;

4. *Takes note with appreciation* of the fifth report of the National Commission of Inquiry;

5. *Expresses deep concern* at the serious abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including the continued recruitment of children contrary to international treaties, the abduction of political activists, violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

6. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law to stop immediately attacks on civilians and to ensure humanitarian access to the affected population nationwide;

7. *Expresses deep concern* at all attacks against civilian objectives, in violation of international humanitarian law, and recalls the obligations by all parties to the conflict to take all necessary precautions to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs;

8. *Urges* the Government of Yemen to take measures to protect civilians, and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, including cases of violence against journalists and the detention of journalists and political activists;

9. *Requests* all parties to the conflict in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring that women are part of the political and peacemaking process;

10. *Demands* that all parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

11. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial

[1] A/HRC/39/43.

Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

12. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the Yemen humanitarian response plan for 2018 and to fulfil their pledges to the relevant United Nations humanitarian appeal;

13. *Reaffirms* the responsibilities of all parties to the conflict to enable the immediate and unhindered delivery of humanitarian assistance to all those who are in need, in accordance of the principles of international human rights law and international humanitarian law;

14. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

15. *Requests* the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and technical support to the National Commission of Inquiry to ensure that the National Commission continues to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and submits its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 50 of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

16. *Also requests* the High Commissioner to present a written report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its forty-second session.

41st meeting
28 September 2018

[Adopted without a vote.]